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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,024	09/17/2003	James Scott McKee	CM01581L	4489

20280 7590 05/12/2005

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EXAMINER

AFSHAR, KAMRAN

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 05/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/665,024

Applicant(s)

MCKEE ET AL.

Examiner

Kamran Afshar, 571-272-7796

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-10 and 12 is/are rejected.
- 7) ☒ Claim(s) 5 and 11 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 6, 8-10, 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Furnas (U.S. Pub. No.: 2005/0018834 A1).

With respect to claim 1, Furnas discloses a wireless communication device (See e.g. portable, wireless, cellular telephone, PDA, Page 1, Paragraph [0006], Page 2, Paragraph [0026] and Page 2, Paragraph [0041]), an alert (See e.g. 17-19 of Fig. 7, Page 2, Paragraph [0044], and 23-24, 26 of Fig. 8, Page 2, Paragraph [0045]); a movement sensor (See e.g. hand pad, slap, smack, patting, patting on the phone, etc., 14 of Fig. 7, Page 2, Paragraph [0044]) capable of generating an electrical signal in response to the wireless communication device being moved; an electrical circuit coupled to the alert (20-21 of Fig. 8, Page 2, Paragraph [0045]), and the movement sensor (See e.g. 20, 21, 22 of Fig. 8), wherein the electrical circuit is adopted to receive wireless communicating signals, activate the alert in response receiving wireless communication signals, and mute the alert in response to the electrical signal generated by the movement sensor (See e.g. Page 3, Paragraph [0046]).

Regarding claim 2, Furnas discloses the movement sensor comprises a speaker (See e.g. 20 of Fig. 8).

Regarding claim 6, Furnas discloses the movement sensor comprises an accelerometer (See e.g. 14 of Fig. 7).

Regarding claims 8, 10, Furnas discloses the alert comprises an audible alert (See e.g. 18 of Fig. 7, 24 of Fig. 8).

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With respect to claim 9, Furnas discloses a method of operating a wireless communication device, receiving a wireless communication signal (See e.g. portable, wireless, cellular telephone, PDA, Page 1, Paragraph [0006], Page 2, Paragraph [0026] and Page 2, Paragraph [0041]); activating an alert in response to receiving the wireless communication signal (See e.g. 17-19 of Fig. 7, Page 2, Paragraph [0044], and 23-24, 26 of Fig. 8, Page 2, Paragraph [0045]); detecting movement of the wireless communication device (See e.g. 14 of Fig. 7, Page 2, Paragraph [0044]); and in response to detecting movement of the wireless communication device (20-21 of Fig. 8, Page 2, Paragraph [0045]), muting the alert (See e.g. Page 3, Paragraphs [0047]-[0048]).

With respect to claim 12, Furnas discloses wireless communication device, inherently comprising: a housing (See e.g. portable, wireless, cellular telephone, PDA, Page 1, Paragraph [0006], Page 2, Paragraph [0026] and Page 2, Paragraph [0041]); a user perceptible alert carried in the housing ; a detector carried in the housing (See e.g. 17-19 of Fig. 7, Page 2, Paragraph [0044], and 23-24, 26 of Fig. 8, Page 2, Paragraph [0045]), the detector for detecting a force (See e.g. 14 of Fig. 7, Page 2, Paragraph [0044]); and circuitry coupled to the detector and the alert, the circuitry operable to distinguish a predetermined force being detected by the detector (20-21 of Fig. 8, Page 2, Paragraph [0045]), and selectively disabling the alert for a predetermined period responsive to the predetermined force being detected (See e.g. Page 3, Paragraph [0046]-00448).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Furnas (U.S. Pub. No.: 2005/0018834 A1) in view of Fukuyama (U. S. Pub. No.: 2004/0218779 A1).

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With respect to claim 3, Furnas discloses everything as discussed above in the rejected claim 1. However, Furnas is silent that the speaker comprises a voice coil and at least one lead. In the same field of endeavor, Fukuyama discloses a loudspeaker used for portable electronic equipment, such as portable telephone (See e.g. Page 1, Paragraph [0001]). Further Fukuyama discloses his speaker comprises of a voice coil and at least one lead (See e.g. 22a, 22 of Figs. 1a-1b, Page 2, Paragraph [0028]). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to provide above teaching of Fukuyama to Furnas to provide a speaker for use in portable equipment, such as a portable telephone, that can meet the requirements of space reduction without impairing characteristics, such as sound quality and sound pressure, and has excellent connection reliability of the terminal and reduced cost.

Regarding claim 4, Furnas discloses the electrical circuit comprises a comparator including an output, and one or more inputs (See e.g. two inputs in and one output out of comparator 32 of Fig. 9).

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Furnas (U.S. Pub. No.: 2005/0018834 A1) in view of Baiker (U.S. Pub. No.: 2004/0132426 A1).

With respect to claim 7, Furnas discloses everything as discussed above in the rejected claim 1. However, Furnas did not teach the wireless device comprises a shock sensor. In the same field of endeavor, Baiker discloses the wireless device comprises a shock sensor (See e.g. 30 of Fig. 1, Page 2, Paragraphs [0046]-[0047]). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to provide above teaching of Fukuyama to Furnas to provide a shock sensor in wireless device (i.e. Cellular phone) to detect a mechanical stimulus based on signals received from the sensor during the time an incoming call is received.

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Allowable Subject Matter

6. Claims 5, 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

With respect to claim 5, the prior art of record fails to disclose or render obvious that a peak hold circuit coupled between the at least one lead and the comparator; a microprocessor coupled to the output of the comparator; and an alert driving circuit coupled to the microprocessor.

With respect to claim 11, the prior art of record fails to disclose or render obvious that comparing a signal level on a speaker coil lead to a threshold value.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Cannon et al. (US 20020137552 A1), which discloses Indication unit for a portable wireless device.

b) Huang et al. (US 20030045265 A1), which discloses Audio system with automatic mute control triggered by wireless communication of mobile phones.

c) Wavroch et al. (US 5404391 A), which discloses Incoming call alert system for cellular telephones without wired connection thereto.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kamran Afshar whose telephone number is (571) 272-7796. The examiner can be reached on Monday-Friday.

If attempts to reach the examiner by the telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached @ (571) 272-3865. The fax number for the organization where this application or proceeding is assigned is (703) 872-9306 for all communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from

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either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kamran Afshar


EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER